Amendments to the Claims

The following listing of claims replaces all previous claim listings and versions.

1.   (Currently Amended) A food package for delivering a food- or beverage-forming product to a dispenser comprising a receptacle having at least one wall member that defines an enclosure, a food- or beverage-forming product present within the enclosure, and a programmable tag associated with the food- or beverage-forming product ~~and package~~ or receptacle, wherein the programmable tag includes machine-readable information regarding the product which information is programmed at the manufacturing plant and includes instructions or a verification code in electronic form for controlling at least one of preparation of a food or beverage from the food- or beverage-forming product in the dispenser or dispensing of a food or beverage from the dispenser.

2.   (Previously Presented) The food package of claim 1, wherein the tag is affixed to an exterior surface of the package.

3.   (Previously Presented) The food package of claim 1, wherein the tag is an RFID device.

4.   (Previously Presented) The food package of claim 1, wherein the tag is affixed to an interior surface of the package.

5.   (Cancelled)

6.   (Previously Presented) The food package of claim 1, wherein the tag includes a date of expiration in electronic form for the product.

7.   (Cancelled)

8.   (Previously Presented) The food package of claim 1, wherein the food- or beverage-forming product provides a single serving portion of the food or beverage.

9.   (Previously Presented) The food package of claim 1, wherein the food- or beverage-forming product provides a multiple serving portion of the food or beverage.

10.   (Previously Presented) The food package of claim 1, wherein the verification code is an expiration date determined from the date when the package is opened.

11.   (Previously Presented) The food package of claim 1, wherein the food- or beverage-forming product is a powder, a concentrate or a ready-to-drink product.

12.   (Currently Amended) A method of preparing or dispensing a food or beverage, which method comprises:

encoding instructions in electronic form on a machine-readable tag at a manufacturing plant for preparation of the food or beverage on a machine-readable tag;

associating the tag with a food-forming or beverage-forming product and or a package that contains the product;

placing the package in or close to a dispenser;

reading of the machine-readable tag by the dispenser prior to preparation or dispensing of the food or beverage; and

executing the electronic instructions encoded on the machine-readable tag by the dispenser to prepare or dispense the food or beverage.

13.   (Currently Amended) A method of controlling the preparation or dispensing of a food or beverage product from a food-forming or beverage-forming product, which method comprises:

encoding a verification code in electronic form on a machine-readable tag at a manufacturing plant, wherein the tag is associated with a food-forming or beverage-forming product and or a food package that contains the product;

placing the package in or close to a dispenser;

reading of the machine-readable tag by the dispenser prior to preparation or dispensing of a food or beverage from the food- or beverage- forming product; and

comparing of the verification code read from the machine-readable tag with a list of valid verification codes;

wherein the food or beverage is either prepared from the food- or beverage- forming product or dispensed when the verification code read from the machine-readable tag matches a valid verification code from the list.

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14.   (Original) The method of claim 13, wherein an error code is generated when the verification code read from the machine-readable tag does not match a valid verification code from the list.

15.   (Original) The method of claim 14 , wherein the error code disables the dispenser from preparing or dispensing the food or beverage.

16.   (Original) The method of claim 14 , wherein the error code notifies a consumer that the product selected for dispensing is not available.

17.   (Original) The method of claim 14 , wherein the error code notifies an operator of the dispenser that an invalid product verification code has been read.

18.   (Currently Amended) A method of determining consumption of foods or beverages from a dispenser, which method comprises:

recording electronic information on a machine-readable tag associated with a food-forming or beverage-forming product and or a package that contains the product;

updating a computer database with the recorded information;

reading of the machine-readable tag by the dispenser when the food or beverage is dispensed;

updating the computer database with information about the foods or beverages that are dispensed; and

sorting the information to determine consumption patterns for the foods or beverages that are dispensed for purposes of strategic market planning.

19.   (Previously Presented) The method of claim 18 , which further comprises:

reading the machine-readable tag before the package is delivered to the dispenser to obtain supply information;

updating the computer database with the supply information; and

sorting the information to determine supply sources of the packages for the dispenser.

20.   (Original) The method of claim 18 , which further comprises utilizing the consumption pattern information to schedule times for re-supplying the dispenser with receptacles.

21.   (Currently Amended) A system for dispensing a product, comprising:

at least one food package including a receptacle having at least one wall member that defines an enclosure, and a food- or beverage-forming product present within the enclosure;

a programmable tag associated with the food- or beverage-forming product or at least one package; and

a dispenser adapted for reading the programmable a tag ~~associated with one or more food packages according to claim 1~~ and for preparing and dispensing a food or beverage from the food-forming or beverage-forming product(s) of the package(s).

22.   (Previously Presented) The system of claim 21 , wherein the package is composed of a non-conductive material and the tag is located within the enclosure.

23.   (Previously Presented) The system of claim 21, wherein the package is composed of a conductive material and the tag is attached to the at least one wall member on a side opposite that of the enclosure.

24.   (Original) The system of claim 21 , wherein the tag is an RFID device that includes information in electronic form regarding the features, properties or processing of the product.

25.   (Original) The system of claim 21 , wherein the dispenser includes a tag reader for reading the tag, and a processor having memory operatively associated with the dispenser, and the tag reader, and a connection to an external communications network, the processor configured to

signal the tag reader to read the tag;

receive information read from the tag by the tag reader;

store the information in the memory; and

place the information on the external communications network.

26.   (Original) The system of claim 25 , wherein the tag includes product preparation instructions in electronic form and the processor is also configured to carry out the instructions to prepare and dispense the product.

27.   (Original) The system of claim 26 , wherein the processor sets one of a dilution ratio, an operating temperature, a mixing time, or a dispensing time for the dispenser in accordance with the set of instructions in electronic form.

28.   (Original) The system of claim 26 , wherein the processor is further configured to read a current time and date from an electronic clock, and then the processor compares the current time and date with a time and date of expiration contained in the set of information; and

when the current time and date is earlier than or equal to the time and date of expiration, processor disables the dispenser from dispensing the product.

29.   (Original) The system of claim 28 , further comprising the step of:

when the current time and date is earlier than or equal to the time and date of expiration, the processor places a data set on the external communications network, the data set to include a name of the product, the time and date of expiration, and an indicia of identification for the dispenser.

30.   (Cancelled)

31.   (Cancelled)

32.   (Currently Amended) The system of claim 21 ~~31~~, wherein the <u>dispenser</u> <u>includes</u> pre-determined quality indicia <u>comprising at least one of</u> ~~is~~ a brand name, an indication of origin, a generic product grading or an expiration date.

33.   (Currently Amended) The system of claim ~~30~~<u>32</u>, which further comprises preparing the food or beverage from the food- or beverage-forming products only when ~~the~~ collected information <u>from the programmable tag</u> matches <u>at least one of</u> the pre-determined quality indicia.

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34.   (Currently Amended) The system of claim 30̶32̲, which further comprises dispensing the prepared food or beverage only when t̶h̶e̶ collected information from the programmable tag matches at least one of the pre-determined quality indicia.

Please add the following new claim:

35.   (New) A food package for delivering a food- or beverage-forming product to a dispenser, comprising:

a receptacle having at least one wall member that defines an enclosure, the enclosure housing a food- or beverage-forming product;

a programmable tag associated with the food- or beverage-forming product and package, wherein the programmable tag is electronically programmed at a manufacturing plant to include machine-readable information regarding the product, which information includes at least one of instructions or a verification code for controlling the dispenser to prepare the food or beverage from the food- or beverage-forming product or to dispense the food or beverage.